

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

v.

JAMES GREG COX et al.,

Defendants.

3:14-cv-213-RCJ-WGC

**ORDER**

**I. DISCUSSION**

On May 29, 2014, this Court issued a screening order in this case permitting Counts I, III, and IV to proceed. (ECF No. 4 at 11). The Court granted Plaintiff thirty days to amend Count II. (*Id.*). The Court informed Plaintiff that if he chose not to file an amended complaint curing the deficiencies in Count II, the action would proceed on Counts I, III, and IV only. (*Id.*). Plaintiff has not filed an amended complaint. This action shall proceed on Counts I, III, and IV only.

**II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that Counts I, III, and IV shall proceed as specified in this Court's screening order (ECF No. 4).

IT IS FURTHER ORDERED that Count II is dismissed with prejudice for failure to amend.

IT IS FURTHER ORDERED that given the nature of the claim(s) that the Court has permitted to proceed, this action is **STAYED** for **ninety (90) days** to allow Plaintiff and Defendants an opportunity to settle their dispute before an answer is filed or the discovery process begins. During this ninety-day stay period, no other pleadings or papers shall be filed

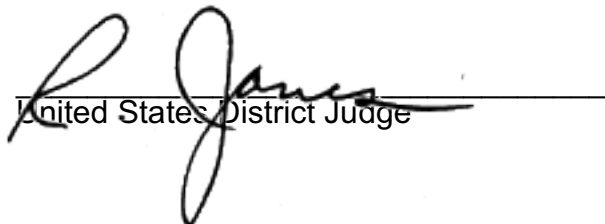
1 in this case, and the parties shall not engage in any discovery. The Court will decide whether  
2 this case will be referred to the Court's Inmate Early Mediation Program, and the Court will  
3 enter a subsequent order. Regardless, on or before **ninety (90) days** from the date this order  
4 is entered, the Office of the Attorney General shall file the report form attached to this order  
5 regarding the results of the 90-day stay, even if a stipulation for dismissal is entered prior to  
6 the end of the 90-day stay. If the parties proceed with this action, the Court will then issue an  
7 order setting a date for Defendants to file an answer or other response. Following the filing  
8 of an answer, the Court will issue a scheduling order setting discovery and dispositive motion  
9 deadlines.

10 IT IS FURTHER ORDERED that "settlement" may or may not include payment of  
11 money damages. It also may or may not include an agreement to resolve Plaintiff's issues  
12 differently. A compromise agreement is one in which neither party is completely satisfied with  
13 the result, but both have given something up and both have obtained something in return.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall electronically **SERVE** a  
15 copy of this order and a copy of Plaintiff's complaint on the Office of the Attorney General of  
16 the State of Nevada, attention Kat Howe.

17 IT IS FURTHER ORDERED that the Attorney General's Office shall advise the Court  
18 within **twenty-one (21) days** of the date of the entry of this order whether it will enter a limited  
19 notice of appearance on behalf of Defendants for the purpose of settlement. No defenses or  
20 objections, including lack of service, shall be waived as a result of the filing of the limited notice  
21 of appearance.

22 Dated: This 15th day of July, 2014.

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United States District Judge  
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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

9 LAUSTEVEION JOHNSON,

10 Plaintiff,

11 v.

12 JAMES GREG COX et al.,

13 Defendants.

3:14-cv-213-RCJ-WGC

REPORT OF ATTORNEY GENERAL  
RE: RESULTS OF 90-DAY STAY

14 **NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM.**  
15 **THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.**  
16

17 On \_\_\_\_\_ [*the date of the issuance of the screening order*], the Court  
18 issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C.  
19 § 1915A, and that certain specified claims in this case would proceed. The Court ordered  
20 the Office of the Attorney General of the State of Nevada to file a report ninety (90) days  
21 after the date of the entry of the Court's screening order to indicate the status of the case  
22 at the end of the 90-day stay. By filing this form, the Office of the Attorney General hereby  
23 complies.

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**REPORT FORM**

[Identify which of the following two situations (identified in bold type) describes the case, and follow the instructions corresponding to the proper statement.]

**Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator during the 90-day stay.** [If this statement is accurate, check ONE of the six statements below and fill in any additional information as required, then proceed to the signature block.]

\_\_\_\_\_ A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have reached a settlement *(even if paperwork to memorialize the settlement remains to be completed)*. *(If this box is checked, the parties are on notice that they must SEPARATELY file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in the case until a specified date upon which they will file a stipulation of dismissal.)*

\_\_\_\_\_ A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

\_\_\_\_\_ No mediation session with a court-appointed mediator was held during the 90-day stay, but the parties have nevertheless settled the case. *(If this box is checked, the parties are on notice that they must SEPARATELY file a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in this case until a specified date upon which they will file a stipulation of dismissal.)*

\_\_\_\_\_ No mediation session with a court-appointed mediator was held during the 90-day stay, but one is currently scheduled for \_\_\_\_\_ [enter date].

\_\_\_\_\_ No mediation session with a court-appointed mediator was held during the 90-day stay, and as of this date, no date certain has been scheduled for such a session.

\_\_\_\_\_ None of the above five statements describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

\* \* \* \* \*

**Situation Two: Informal Settlement Discussions Case: The case was NOT assigned to mediation with a court-appointed mediator during the 90-day stay; rather, the parties were encouraged to engage in informal settlement negotiations.** [If this statement is accurate, check ONE of the four statements below and fill in any additional information as required, then proceed to the signature block.]

\_\_\_\_\_ The parties engaged in settlement discussions and as of this date, the parties have reached a settlement *(even if the paperwork to memorialize the settlement remains to be completed)*. *(If this box is checked, the parties are on notice that they must SEPARATELY file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in this case until a specified date upon which they will file a stipulation of*

dismissal.)

\_\_\_\_\_ The parties engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

\_\_\_\_\_ The parties have not engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

\_\_\_\_\_ None of the above three statements fully describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by:

Attorney Name: \_\_\_\_\_  
Print Signature

Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
\_\_\_\_\_ Email: \_\_\_\_\_